IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 830/2006

HARI NARAIN Vs. THE STATE OF RAJASTHAN & ANR.

DATE: 06.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Prem Kumar Sharma for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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The instant criminal revision petition under Section 397 rea with Section 401 Cr.P.C. is preferred by the accused-petitioner against the judgment dated 29.06.2006 passed by the Additional District & Sessions Judge (Fast Track) No.3, Jaipur District, Jaipur in Criminal Appeal No. 19/06 (16/05)(82/04) and against the judgment dated 09.08.2004 passed by the Civil Judge (Sr. Division) & Additional Chief Judicial Magistrate, Jaipur District, Jaipur in Criminal Complaint No. 95/97, whereby the accused-petitioner has been convicted and sentenced as under:-

Under Section 354 IPC	Simple imprisonment for one year and a fine of Rs. 1,000/-, in default of payment of fine to further undergo simple imprisonment for 15 days.
Under Section 323 IPC	Simple imprisonment for six months

Against the said judgment dated 09.08.2004 passed by the trial Court, the accused-petitioner preferred an appeal and the same was partly allowed by the learned Additional District & Sessions Judge (Fast Track) No.3, Jaipur District, Jaipur vide judgment dated 29.06.2006, by which the Appellate Court while maintaining the conviction of the accused-petitioner under Sections 354 and 323 IPC, granted him the benefit of probation.

I have heard rival submissions of the respective parties and have also gone through the impugned judgments passed by the trial Court as well as the Appellate Court.

The trial Court has considered each and every aspect and after minutely examing the evidence of the witnesses and the material available on record, has found the accused-petitioner guilty for the offence under Sections 354 and 323 IPC and sentenced as indicated herein above. The Appellate Court also after appreciating the evidence adduced and examining the relevant record, observed that the prosectuion is able to prove its case against the accused-petitioner for the offence under Sections 354 and 323 IPC beyond doubt, but instead of sentence of imprisonment, given the benefit of probation to the accused-petitioner.

Thus, both the Courts below have given concurrent findings and observed that the accused-petitioner is guilty for the offence under Sections 354 and 323 IPC.

I find no illegality or error apparent on the face of the record in the impugned judgment passed by the trial Court as well as the Appellate Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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